

Robert G. Wyckoff v. Metropolitan Life Insurance Company and Kenneth F. Kaczmarek
Civil Action No. 00-2248

Hearsay Designations in Connection with Plaintiff's Exhibit 101

Although Metropolitan Life Insurance Company ("MetLife") maintains the position that the entirety of Plaintiff's Exhibit 101 constitutes inadmissible hearsay, and MetLife does not waive its right to renew this objection to its admissibility at trial, MetLife hereby designates the following excerpts from the videotape transcript as objectionable pursuant to the hearsay rules of the Federal Rules of Evidence.

Plaintiff's Exhibit 101

Page of Transcript	Designation Number	Reason for Hearsay Objection
1	1	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
1	2	<u>Double Hearsay</u> – Representative's statement in the cited passage does not identify the speaker. Thus, the statements set forth in this passage are not subject to substantiation or cross examination.
2	3	<u>Double Hearsay</u> – Representative's statement in the cited passage does not identify the speaker. Thus, the statements set forth in this passage are not subject to substantiation or cross examination.
2	4	<u>Double Hearsay</u> – Representative's statement in the cited passage does not identify the speaker. Thus, the statements set forth in this passage are not subject to substantiation or cross examination.
2	5	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
2	6	<u>Double Hearsay</u> – Refers to documents or information that are not in evidence and which cannot be authenticated.

2-3	7	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
3	8	<u>Double Hearsay</u> – The representative’s statements do not identify the underlying declarant, and the statements referred to in this passage cannot be substantiated and are not subject to cross examination.
3	9	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
3	9A	<u>Double Hearsay</u> – Refers to correspondence or other documents or information that is not in evidence and which cannot be authenticated.
3	10	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
3	11	<u>Double Hearsay</u> – Representative’s statements are general comments and do not represent an actual presentation that can be identified, substantiated and that would be subject to cross examination.
4	12	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
4	13	<u>Double Hearsay</u> – Speculative nature of comment cannot be substantiated and is not subject to cross examination.
4	14	<u>Double Hearsay</u> – Referring to statements by another representative that cannot be substantiated and are not subject to cross examination.
4	15	<u>Double Hearsay</u> – Statements by the representative, which themselves are not subject to cross examination, are citing

		comments or statements by other unidentified representatives whose statements are not subject to authentication or cross examination.
4	16	<u>Double Hearsay</u> -- Statements by the representative are citing statements of other representatives which, themselves, cannot be substantiated and are not subject to cross examination.
4	17	<u>Double Hearsay</u> —Statements by unidentified customers of the unidentified representative. Neither of the statements made can be substantiated or are subject to cross examination.
5	18	<u>Hearsay</u> – General statement by a representative that is not subject to substantiation or cross examination.
5	19	<u>Double Hearsay</u> —Statements by unidentified representative referring to an unidentified “they” and includes statements that cannot be substantiated and are not subject to cross examination.
5	20	<u>Hearsay/Speculation</u> – This statement by an unidentified representative refers to what unidentified customers are thinking.
5	21	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
5	22	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
5	23	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments and suggestions attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
6	24	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
6	25	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives

		cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
6	27	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear. Additionally, this excerpt refers to a document that is not in evidence and which cannot be authenticated.
6	28	<u>Double Hearsay</u> – This excerpt refers to a document that is not in evidence and which cannot be authenticated.
6	29	<u>Double Hearsay</u> – This excerpt refers to a document that is not in evidence and which cannot be authenticated.
6	30	<u>Double Hearsay</u> – This excerpt refers to a document that is not in evidence and which cannot be authenticated.
7	31	<u>Double Hearsay</u> – This entire excerpt refers to a document that is not in evidence and which cannot be authenticated.
7	32	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear. Additionally, the excerpt refers to a document that is not in evidence and which cannot be authenticated.
7	33	<u>Hearsay/Speculation</u> – Statement by representative of what unidentified customers are thinking cannot be substantiated and is not subject to cross examination.
7	34	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
7	35	<u>Hearsay</u> —The representative appears to be referring to a document that is not in evidence and which cannot be authenticated.
8	36	<u>Hearsay</u> – The representative(s) appear to be referring to a document that is not in evidence and which cannot be

		authenticated.
8	37	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
8	38	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
8	39	<u>Double Hearsay</u> – Representatives referred to in this excerpt are not identified, and the comments attributed to the representatives cannot be substantiated and are not subject to cross examination. In addition, the statements contained in this passage are not an admission by the Company because, again, the representatives cannot be identified and the context in which the statements are being made is unclear.
8	40	<u>Hearsay</u> – This excerpt refers to a document that is not in evidence and which cannot be authenticated.
9	41	<u>Double Hearsay</u> – Unidentified representative is stating what an unidentified “Paul” said. The statements cannot be substantiated and are not subject to cross examination.